

## REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed April 13, 2009. At the time of the Final Office Action, Claims 1, 3-6 and 8-12 were pending in this Application. Claims 1, 3-6 and 8-12 were rejected. Claims 1, 6, and 8 are herein amended. Claims 2, 7 and 13-14 were previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and allowance of all pending claims.

### Claim Objections

Claim 6 was objected due to the recitation of the phrase “a key actuation or *an actuation of* at the screen.” Applicants have amended Claim 6 to correct this typographical error.

### Rejections under 35 U.S.C. § 102

Claims 1, 3-11 and 13-14 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,011,537 issued to Benjamin Slotznick (“*Slotznick*”). Applicants respectfully traverse and submit the cited art does not teach all of the elements of the claimed embodiment of the invention.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “the identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the art cited as anticipatory by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Applicants respectfully submit that *Slotznick* does not teach each and every element as set forth in Applicants’ amended claims. For example, *Slotznick* does not teach the following combination of elements recited in amended Claim 1:

detecting a trigger at a controller;

based at least on the detecting of the trigger, switching from displaying the first element to displaying a second element from the plurality of elements;

responsive to switching from displaying the first element to displaying the second element, starting a timer having a preset duration; and

responsive to starting the timer, automatically preventing switching from displaying the second element back to displaying the first element for the preset duration of the timer.

*Slotnick* does not teach responsive to starting a timer, automatically preventing switching from displaying one element back to displaying a previously displayed element the first element for a preset time duration. In a Final Office Action dated March 18, 2008, the Examiner alleged, regarding previous claim 7: “*Slotnick* teaches no further changes taking place during a predetermined time period after the display has changed depending on a change of state, taught as the user control over the display of secondary information for a time period determined by the user, at col. 13, lines 16-19.” (March 18, 2008 Final Office Action, page 3).

However, that portion of *Slotnick* teaches:

Although in this embodiment, the information is displayed primarily while the user would otherwise be wasting time waiting, the user controls how long the secondary information will be displayed. For example, the user might find the information particularly useful or interesting and want to examine it further. The user need only instruct the device to “hold” (e.g. by pressing a physical “hold” button, typing a “hold” command, clicking or otherwise pointing to an onscreen button or menu item, speaking a command to a device equipped with a voice recognition module, etc.) In such case, the secondary information remains displayed while the new primary information is downloaded into the local cache or buffer. When the user is finished absorbing the secondary information, the user need only provide an instruction and the device quickly displays the new primary information. (The new primary information may have secondary information of its own which follows into the buffer immediately after the new primary information.).

(col. 13, lines 14-33) (emphasis added)

Thus, *Slotznick* teaches a user instructing the device to “hold” -- i.e., keep the secondary information displayed on the device. This “hold” is manually initiated by the user, and not automatically in response to the start of a timer, as required in amended Claim 1. Further, *Slotznick*’s “hold” keeps the secondary information displayed on the device “while the new primary information is downloaded into the local cache or buffer.” “While the new primary information is downloaded into the local cache or buffer” is clearly not a “preset time duration,” as the download time depends on a variety of factors, as known in the art. Thus, the “hold” of the secondary information display does not last “for [a] preset duration of [a] timer,” as required in amended Claim 1.

For at least these reasons, Applicants respectfully submit that *Slotznick* does not teach each and every limitation of amended Claim 1. Therefore, Applicants respectfully request reconsideration and allowance of amended Claim 1, as well as all claims that depend therefrom. In addition, for analogous reasons, Applicants respectfully request reconsideration and allowance of amended independent Claim 8, as well as all claims that depend therefrom.

#### **Rejections under 35 U.S.C. §103**

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Slotznick* and U.S. Patent No. 5,656,804 issued to Edward Barkan et al. (“*Barkan*”). Applicants respectfully submit that Claim 12 is allowable at least because it depends from amended independent Claim 8, shown above to be allowable.

#### **Association of Customer Number and Change of Correspondence Address**

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **86528**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **86528**. All telephone calls should be directed to Eric M. Grabski at 512.457.2030. A Revocation and Power of Attorney will be filed shortly.

### CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicant respectfully submits a Petition for Two-Month Extension of Time. The Commissioner is authorized to charge the fee of \$490.00 required to Deposit Account 50-4871 in order to effectuate this filing.

Applicants believe there are no additional fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,  
KING & SPALDING L.L.P.  
Attorney for Applicants



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Date: Sept. 8, 2009

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